

State of Wisconsin
DEPARTMENT OF REGULATION AND LICENSING
Scope Statement
**Marriage and Family Therapy, Professional Counseling and Social
Work Examining Board**

August, 2010

Subject:

To revise s. MPSW 1.09 to allow licensed marriage and family therapists, professional counselors and clinical social workers to engage in substance abuse counseling without seeking separate certification as a substance abuse counselor under s. 440.088, Stats. Additionally, the intended revision will eliminate the provisions for applying for and receiving a substance abuse specialty within s. MPSW 1.09.

POLICY ISSUES:

Objective of the Rule

The objective of the rule change is to allow ch. 457, Stats. licensed professionals to engage in substance abuse counseling without requiring them to become certified substance abuse counselors under s. 440.88, Stats. The board also intends to eliminate the specified education hours and training required for the substance abuse specialty, as well as the granting of the substance specialty under s. MPSW 1.09. For those providing ongoing treatment of substance abuse counseling, the amended rules will require an as of yet unspecified amount of hours in continuing education. The changes pursued by the board will allow licensed marriage and family therapists, professional counselors and clinical social workers to provide therapy for primary and co-occurring substance abuse disorders if they are adequately trained to do so without need of additional certification. Other master's level credential holders, i.e. certified advanced practice and independent social workers, marriage and family therapists and professional counselor training license holders, could provide such services under adequate supervision. The envisioned changes to the rule will require certified social workers to pursue substance abuse counselor certification under s. 440.88, Stats., in order to provide substance abuse counseling services.

Existing Policies Relevant to the Rule, New Policies Proposed and Analysis of Policy Alternatives.

Currently, under s. MPSW 1.09, a person credentialed by the board may use the title "alcohol or drug counselor" or "chemical dependency counselor" only if he or she is certified as an alcohol and drug counselor or as a chemical dependency counselor through a process recognized by the Department of Health. (*Note: 2005 Wis. Act 25 transferred the authority for regulation of substance abuse counselors from the Department of Health Services to the Department of Regulation and Licensing.*) A person credentialed by the board may treat alcohol or substance dependency or abuse only if he or she is qualified to do so by education, training and experience.

Under s. 457.02, Stats., marriage and family therapists, professional counselors and social workers are not authorized to treat alcohol or substance dependency or abuse as a specialty

unless the individual is a certified substance abuse counselor, or unless the individual satisfies educational and supervised training requirements established in rules promulgated by the board. The statutory guidelines for promulgation of those rules advise the board to consider the existing requirements for state certification of substance abuse counselors, however the statute does not direct the board to adopt or use state rules as a guideline.

Finally, it is the position of the board that licensed professionals who have had the requisite education, training and experience in treatment of substance abuse may provide substance abuse therapy as treatment of such is included with the definition of psychotherapy and the provision of psychotherapy is within their legal scope of practice. The limiting factor of the disorders that a therapist treats is their prior training and experience and is an issue of ethics. i.e., a therapist may not ethically practice in areas in which they lack competence.

Statutory authority.

Sections 15.08 (5) (b), 227.11 (2), 457.02 (5m) and 457.03, Stats.

Existing or proposed federal legislation.

None.

Entities affected by the rule.

Marriage and family therapists, professional counselors and social workers – all levels will be affected by the rule (credential holders).

Estimate the amount of state employee time and any other resources that will be necessary to develop the rule.

Approximately 120 hours.